THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 24th October, 2006

W.P.No.28005 of 1995

Between:

Md. Khader … Petitioner

and

The Presiding Officer,
Labour Court-III, Chandra Vihar
Building, M.J. Road, Hyderabad
and another … Respondents

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ORAL ORDER:

This Writ Petition is directed against an Award dated 1-8-1994 made in I.D.No.239 of 1993 on the file of Labour Court-III, Hyderabad.

It appears that the petitioner was a workman in the 2nd respondent-company. While so, he was involved in a misconduct of threatening and beating the Officers of the company. Therefore, apart from making a criminal complaint, departmental enquiry was also launched against the petitioner. Petitioner took a plea that the incident arose outside the employment; therefore, the Management could not have taken cognizance of the same. But, as seen from the evidence placed before the Labour Court, the petitioner and another workman, by name, Ch.Venkateshwar Rao picked up a quarrel regarding the transfer of the petitioner from 'Kilin' to workshop, when R.P.Dvivedi, Deputy Manager (Mechanical) was at the temple at Wadapally. Thus, as found by the Labour Court, though the incident had taken place outside the limits of the factory, but the incident is linked with the grievance of the petitioner relating to his employment. The acquittal in the criminal case is nothing to do with the departmental proceedings and even if a person is acquitted by the criminal Court, he can be proceeded with departmentally and suitable action can be taken as per the Regulations.

In fact, the Labour Court took a lenient view and granted compensation in lieu of reinstatement while exercising its powers

under Section 11-A of the Industrial Disputes Act,1947. However, in the facts and circumstances of the case, I deem it appropriate to modify the impugned Award to the effect that the petitioner is entitled to one month's wages for each completed year of service right from the date of his first appointment till the date of passing of the Award.

With the above modification, the Writ Petition is disposed of. No order as to costs.

24-10-2006

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